

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

EXETER FINANCE CORP.

and

**BRADLEY GOLDOWSKY, an
Individual**

CASE NO.: 03-CA-158382

**RESPONDENT EXETER FINANCE CORP.'S MOTION TO EXCEED PAGE LIMIT
FOR BRIEF IN RESPONSE TO BOARD'S NOTICE TO SHOW CAUSE WHY
SUMMARY JUDGMENT SHOULD NOT BE GRANTED**

Comes now Respondent, EXETER FINANCE CORP. (hereafter "Exeter" or "Respondent"), by and through its undersigned attorneys, and pursuant to National Labor Relations Board (the "Board") Rules and Regulations Section 102.46(j), hereby respectfully requests permission to exceed the 50-page limit for its Brief in Response to the Board's Notice to Show Cause Why Summary Judgment Should not be Granted. In support of this Motion, Respondent would show as follows:

1. A hearing in this case was originally scheduled for February 10, 2016. On January 12, 2016, Counsel for the General Counsel ("CGC") moved to transfer proceedings to the Board and for summary judgment on January 12, 2016. On January 20, 2016, Exeter responded, consenting to the transfer of the case to the Board and opposing summary judgment.

2. On February 5, 2016, Acting Regional Director for Region 3, Paul J. Murphy, issued an Order Postponing Hearing Indefinitely. On February 10, 2016, the Board issued an Order Transferring Proceeding to the Board and Notice to Show Cause, ordering that cause be shown by Respondent why CGC's summary judgment motion should not be granted.

3. This case involves numerous complex issues, including novel legal questions regarding the application of the Board's holdings in *D.R. Horton, Inc.*, 357 NLRB No. 184 (2012), enf. denied in relevant part, 737 F.3d 344 (5th Cir. 2013) and *Murphy Oil USA, Inc.*, 361 NLRB No. 72 (2014), enf. denied in relevant part, 808 F.3d 1013 (5th Cir. 2015), as well as more recent Board holdings in *On Assignment Staffing Services, Inc.*, 362 NLRB No. 189 (2015), *Amex Card Services Company*, 363 NLRB No. 40 (2015), and *Price-Simms, Inc.*, 363 NLRB No. 52 (2015).

4. Exeter respectfully submits that the numerous complex legal issues presented in this case justify an extension of the ordinary page limit for its brief to allow it to fully address the issues presented. Exeter further respectfully submits that such full briefing will aid the Board in examining these matters.

5. Because CGC moved to transfer proceedings to the Board without seeking to develop a stipulated record, Exeter must attach to its Brief – and discuss in its Brief – documentation and affidavits that provide the factual support needed to fully develop Exeter's arguments in its Brief.

6. Accordingly, due to the novelty and complexity of the issues involved, as well as the need for Exeter to discuss and reference the factual material attached to its Brief, Exeter respectfully requests up to a 25 page extension to the 50 page limit for its Brief in Response to the Board's Notice to Show Cause Why Summary Judgment Should not be Granted.

WHEREFORE, Exeter respectfully requests up to a 25 page extension to the 50 page limit, for a document totaling no more than 75 pages exclusive of subject index and table of cases and other authorities cited, for its Brief in Response to the Board's Notice to Show Cause Why Summary Judgment Should not be Granted.

DATED: March 10, 2016

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK &
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CERTIFICATE OF SERVICE

The undersigned certifies that on the 10th day of March 2016, the foregoing pleading, **RESPONDENT EXETER FINANCE CORP.'S MOTION TO EXCEED PAGE LIMIT FOR BRIEF IN RESPONSE TO BOARD'S NOTICE TO SHOW CAUSE WHY SUMMARY JUDGMENT SHOULD NOT BE GRANTED**, was filed via electronic filing with:

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